

1 Robert B. Van Wyck
2 Bar No. 007800
3 Chief Bar Counsel
4 State Bar of Arizona
5 4201 N. 24th Street, Suite 200
6 Phoenix, Arizona 85016-6288
7 (602) 340-7241

8 **ARIZONA SUPREME COURT**

9 PETITION TO AMEND RULES
10 31.19 and 31.25, ARIZONA RULES
11 OF CRIMINAL PROCEDURE
12 RULES 16 and 23, ARIZONA
13 RULES OF CIVIL APPELLATE
14 PROCEDURE

Supreme Court No. R-07-0014

Supplement to Add Proposed
Amendments to Rule 31.18, Arizona
Rules of Criminal Procedure and Rule
22, Arizona Rules of Civil Appellate
Procedure

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16 Pursuant to Rule 28, Rules of the Arizona Supreme Court, the State Bar
17 of Arizona respectfully requests permission to supplement Rules Petition R-
18 07-0014, to add proposed amendments to Rule 31.18, Arizona Rules of
19 Criminal Procedure, and Rule 22, Arizona Rules of Civil Appellate Procedure,
20 to establish a word limitation on the length of motions for reconsideration and
21 responses to such motions. The attached Memorandum of Points and
22 Authorities supports this petition.
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MEMORANDUM OF POINTS AND AUTHORITIES

I. Reason for Supplementation.

The State Bar of Arizona seeks to supplement R-07-0014 with proposed amendments to Rule 31.18, Arizona Rules of Criminal Procedure, and Rule 22, Arizona Rules of Civil Appellate Procedure, the rules that govern motions for reconsideration and responses to those motions filed in this Court and the Arizona Court of Appeals. In R-07-0014, the State Bar seeks to amend Rules 31.19 and 31.25 of the Arizona Rules of Criminal Procedure and Rules 16 and 23 of the Arizona Rules of Civil Appellate Procedure to establish a word limit for petitions for review, responses to petitions for review, and amicus briefs filed in support or in opposition to petitions for review. In drafting the rules petition, the State Bar failed to include amendments to Rule 31.18, Arizona Rules of Criminal Procedure, and Rule 22, Arizona Rules of Civil Appellate Procedure, to establish an appropriate word limitation for motions for reconsideration and responses to motions for reconsideration. Supplementation is necessary to ensure uniformity in the calculation of the length of documents filed in the appellate courts.

II. Summary of Amendments.

Rule 31.18 of the Arizona Rules of Criminal Procedure and Rule 22 of the Arizona Rules of Civil Appellate Procedure govern the form, length, content, and filing time requirements for motions for reconsideration and responses to motions for reconsideration. The proposed amendments to Rule 31.18 of the Arizona Rules of Criminal Procedure and Rule 22 of the Arizona Rules of

1 Civil Appellate Procedure establish a length limitation of 5,250 words for
2 motions for reconsideration and responses prepared in a proportionately spaced
3 typeface—those typefaces typically used in a word-processing system—and
4 requires that parties file a certificate of compliance with the word limitation
5 with the motion or response. The proposed amendments also establish—in
6 keeping with the current rules—a 15-page length limitation for motions for
7 reconsideration and responses prepared in a monospaced typeface. Because
8 adding these provisions to the existing organization of the rules makes the text
9 unwieldy, the proposed amendments also reorganize the rules to separate the
10 form and length requirements from the content requirements, but make no
11 other substantive changes.

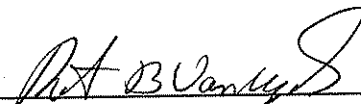
12 **III. Reasons for Amendments.**

13 The State Bar of Arizona proposes these supplemental amendments for the
14 same reasons it proposed the amendments to Rule 31.19, Arizona Rules of
15 Criminal Procedure, and Rule 23, Arizona Rules of Civil Appellate Procedure:
16 to maintain uniformity in calculating the length of documents filed in the
17 appellate courts and to prevent abuse of the page limitation currently in effect
18 for motions for reconsiderations and responses. The argument in favor of these
19 amendments is identical to the argument set forth in the original rules petition.
20 The length limitation of 5,250 words for motions for reconsideration and
21 responses is calculated in the same way that the length limitation of 4,200
22 words for petitions for review and responses is calculated.
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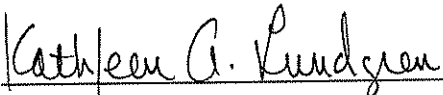
1 **IV. Conclusion.**

2 The State Bar of Arizona respectfully requests that this Court permit the
3 supplementation of R-07-0014 with proposed amendments to Rule 31.18,
4 Arizona Rules of Criminal Procedure, and Rule 22, Arizona Rules of Civil
5 Appellate Procedure.
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7 RESPECTFULLY SUBMITTED this 1st day of April, 2008.
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10 
11 Robert B. Van Wyck
12 Chief Bar Counsel
13 STATE BAR OF ARIZONA

14 Electronic copy filed with the
15 Clerk of the Supreme Court of Arizona
16 this 1st day of April 2008.

17 by: 
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Appendix A

Rule 31.18. Motions for Reconsideration.

a. Necessity. The filing of a motion for reconsideration in the Court of Appeals is not a prerequisite to the filing of a petition for review pursuant to Rule 31.19.

b. Time for Filing; Response. Any party desiring reconsideration of a decision of an appellate court may file a motion for reconsideration in the appellate court within fifteen days after the filing of a decision by the appellate court. The motion shall not be amended except by leave of court. No response to a motion for reconsideration will be filed unless requested by the court, but a motion for reconsideration will not be granted in the absence of such a request.

c. FORM AND LENGTH. A MOTION FOR RECONSIDERATION AND ANY RESPONSE ~~Contents. A motion for reconsideration shall be directed solely to discussion of those specific points or matters in which it is claimed the appellate court has erred in determination of facts or law. It shall be bound or fastened and shall comply with Rule 31.12. Neither the motion for reconsideration nor the response shall exceed 15 pages whether done in proportionately spaced or monospaced typeface.~~ EXCEPT BY PERMISSION OF THE COURT, (1) A MOTION FOR RECONSIDERATION OR A RESPONSE PREPARED IN A PROPORTIONATE TYPEFACE MAY NOT EXCEED 5,250 WORDS AND MAY NOT HAVE AN AVERAGE OF MORE THAN 280 WORDS PER PAGE, INCLUDING FOOTNOTES AND QUOTATIONS; AND (2) A MOTION FOR RECONSIDERATION OR A RESPONSE PREPARED IN A MONOSPACED TYPEFACE MAY NOT EXCEED 15 PAGES. THE MOTION OR RESPONSE MUST BE ACCOMPANIED BY A CERTIFICATE OF COMPLIANCE THAT STATES THE LINE SPACING OF THE MOTION OR RESPONSE AND STATES EITHER (1) THE MOTION FOR RECONSIDERATION OR RESPONSE USES A PROPORTIONATELY SPACED TYPEFACE, TOGETHER WITH THE TYPEFACE, POINT SIZE, AND WORD COUNT, OR (2) THE MOTION FOR RECONSIDERATION OR RESPONSE USES A MONOSPACED TYPEFACE, TOGETHER WITH THE NUMBER OF CHARACTERS PER INCH. A PARTY PREPARING THIS CERTIFICATE MAY RELY

ON THE WORD COUNT OF THE PROCESSING SYSTEM USED TO PREPARE THE MOTION FOR RECONSIDERATION OR RESPONSE.

d. CONTENTS. A MOTION FOR RECONSIDERATION SHALL BE DIRECTED SOLELY TO DISCUSSION OF THOSE SPECIFIC POINTS OR MATTERS IN WHICH IT IS CLAIMED THE APPELLATE COURT HAS ERRED IN DETERMINATION OF FACTS OR LAW.

E. Motions Not Permitted. Unless permitted by specific order of the appellate court, no party shall file a motion for reconsideration of (1) an order denying a motion for reconsideration; (2) an order denying a petition for review; or (3) an order declining to accept jurisdiction of a petition for special action.

Rule 22. Motions for Reconsideration.

(a) Necessity. The filing of a motion for reconsideration in the Court of Appeals is not a prerequisite to the filing of a petition for review pursuant to Rule 23.

(b) Time for Filing; Response. Any party desiring reconsideration of a decision of an appellate court may file a motion for reconsideration in the appellate court within fifteen days after the filing of a decision by the appellate court. The motion shall not be amended except by leave of court. No response to a motion for reconsideration will be filed unless requested by the Court, but a motion for reconsideration will not be granted in the absence of such a request.

(c) FORM AND LENGTH. A MOTION FOR RECONSIDERATION AND ANY RESPONSE ~~Contents. A motion for reconsideration shall be directed solely to discussion of those specific points or matters in which it is claimed the appellate court erred in determination of facts or law. It shall be bound or fastened and shall comply with Rule 6(c). Neither the motion for reconsideration nor the response shall exceed 15 pages whether done in proportionately spaced or monospaced typeface.~~ EXCEPT BY PERMISSION OF THE COURT, (1) A MOTION FOR RECONSIDERATION OR A RESPONSE PREPARED IN A PROPORTIONATE TYPEFACE MAY NOT EXCEED 5,250 WORDS AND MAY NOT HAVE AN AVERAGE OF MORE THAN 280 WORDS PER PAGE, INCLUDING FOOTNOTES AND QUOTATIONS; AND (2) A MOTION FOR RECONSIDERATION OR A RESPONSE PREPARED IN A MONOSPACED TYPEFACE MAY NOT EXCEED 15 PAGES. THE MOTION OR RESPONSE MUST BE ACCOMPANIED BY A CERTIFICATE OF COMPLIANCE THAT STATES THE LINE SPACING OF THE MOTION OR RESPONSE AND STATES EITHER (1) THE MOTION FOR RECONSIDERATION OR RESPONSE USES A PROPORTIONATELY SPACED TYPEFACE, TOGETHER WITH THE TYPEFACE, POINT SIZE, AND WORD COUNT, OR (2) THE MOTION FOR RECONSIDERATION OR RESPONSE USES A MONOSPACED TYPEFACE, TOGETHER WITH THE NUMBER OF CHARACTERS PER INCH. A PARTY PREPARING THIS CERTIFICATE MAY RELY ON THE WORD COUNT OF THE PROCESSING SYSTEM USED TO PREPARE THE MOTION FOR RECONSIDERATION OR RESPONSE.

(d) CONTENTS. A MOTION FOR RECONSIDERATION SHALL BE DIRECTED SOLELY TO DISCUSSION OF THOSE SPECIFIC POINTS OR MATTERS IN WHICH IT IS CLAIMED THE APPELLATE COURT ERRED IN DETERMINATION OF FACTS OR LAW.

E. Motions Not Permitted. Unless permitted by specific order of the appellate court, no party shall file a motion for reconsideration of (1) an order denying a motion for reconsideration; (2) an order denying a petition for review; or (3) an order declining to accept jurisdiction of a petition for special action.